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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 In re
12 PG&E CORPORATION,
13 And
14 PACIFIC GAS AND ELECTRIC COMPANY,
15 Debtors.
16 X – Affects Both Debtors
17

CASE NO. 19-30088-DM

**MOTION PURSUANT TO FED. R.
BANKR. 9006(b)(1) TO DEEM VAUGHN
WRIGHT’S CLAIM TIMELY FILED**

Date: November 2, 2022
Time: 10:00 a.m.
Place: Via Telephonically
450 Golden Gate Avenue
Courtroom 17
San Francisco, CA 94102
Judge: Hon. Dennis Montali

Objection Deadline: October 26, 2022
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Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure, Vaughn Wright moves for an order expanding time to file a Proof of Claim, and allow, Claim Number 95837, that was executed on December 28, 2019, marked received on January 3, 2020 and submitted with this motion as “Exhibit A”, to be considered timely.

I. SUMMARY OF ARGUMENT

Under the flexible standard for excusable neglect, Vaughn Wright’s claim should be allowed.

The circumstances surrounding this case constitute excusable neglect pursuant to the standards set forth in *Services v. Brunswick Associated Ltd. Partnership*, 507 U.S. 380 (1993). Allowing this case to proceed does not present any prejudice to the Debtors, nor does it delay the attendant judicial proceedings. This motion is made in good faith and to deny this claim would result in injustice to the Claimant. This motion is based upon the points and authorities set forth herein and concurrently.

II. PROCEDURAL BACKGROUND

On January 29, 2019, the Debtors, PG&E Corporation and Pacific Gas and Electric Company (“Debtors”) filed a voluntary Chapter 11 Petition. See Dkt. 1. On July 2, 2019, the Court entered an order establishing October 21, 2019 (“the Bar Date”) as the deadline for Fire Victim claimants to file proofs of claim in this bankruptcy. See Dkt. 2806. That deadline was extended to December 31, 2019 (“the “Extended Bar date.”). See Dkt. 4872.

III. FACTUAL BACKGROUND

Vaughn Wright was renting an apartment in Magalia which they were forced to evacuated from as a result of the November 8, 2018 Camp Fire (the “Fire”) taking the time to only to pack up their animals, leaving all their personal possessions behind. Mr. Wright executed a Proof of Claim on December 28, 2019, which was marked received by an Oregon post office on December 30, 2019. However, due to the holiday, the Proof of Claim was not marked received by Prime Clerk until January 3, 2020 (see Proof of Claim and certified mailing envelope attached as Exhibit A).

1 significant. The Trust has only completed determinations on over 70% of all claims. Allowing the
2 late claim will not delay the proceedings.

3 Claimants timely completed and mailed (by registered mail) their proof of claim which was
4 not received by Prime Clerk until a few days after the December 31, 2019 deadline due to the
5 intervening holiday.

6 **V. CONCLUSION**

7 For all of the above reasons, the motion should be granted, and Vaughn Wright's
8 emotional distress claims should be allowed to proceed and be deemed timely.

9 DATED: August 18, 2022

LEVIN LAW GROUP PLC

11 By: /s/ Emily S. Levin
12 EMILY S. LEVIN
13 Attorneys for Vaughn Wright
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EXHIBIT A

RECEIVED

JAN 03 2020

PRIME CLERK LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

☐ Date Stamped Copy Returned
☐ No Self-Addressed Stamped Envelope
☒ No Copy Provided

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Vaughn Wright</u> Name of the current creditor (the person or entity to be paid for this claim)	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____	
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name <u>Vaughn Wright</u> Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address <u>633 E. Archwood Dr. #105</u> City <u>Eagle Point</u> State <u>Oregon</u> Zip Code <u>97524-9481</u> Phone Number <u>510-860-1697</u> Email Address <u>DWrightVaughn@yahoo.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____
5. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on <u>12/28/2019</u> MM / DD / YYYY	
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Proof of Claim (Fire Related)



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Claim Number: 95837

of 9
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Part 2:**Give Information About the Claim as of the Date this Claim Form is Filed****7. What fire is the basis of your claim?**

Check all that apply.

☒ Camp Fire (2018)☐ North Bay Fires (2017)☐ Ghost Ship Fire (2016)☐ Butte Fire (2015)☐ Other (please provide date and brief description of fire: _____)**8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)**

Location(s):

14641 Lafayette Gr.

Magalia Ca. 95954

9. How were you and/or your family harmed?

Check all that apply

☐ Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage)☐ Owner ☐ Renter ☒ Occupant ☐ Other (Please specify): _____☐ Personal Injury☐ Wrongful Death (if checked, please provide the name of the deceased) _____☒ Business Loss/Interruption☒ Lost wages and earning capacity☒ Loss of community and essential services☐ Agricultural loss☐ Other (Please specify): _____**10. What damages are you and/or your family claiming/seeking?**

Check all that apply

☒ Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage)☒ Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage)☐ Punitive, exemplary, and statutory damages☐ Attorney's fees and litigation costs☐ Interest☒ Any and all other damages recoverable under California law☐ Other (Please specify): _____**11. How much is the claim?**☐ \$ _____ (optional)☒ Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☒ I am the creditor.
☐ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/28/2019 (mm/dd/yyyy)

Signature

Print the name of the person who is completing and signing this claim:

Name

First name

Vaughn

Middle name

Dell

Last name

Wright

Title

creditor

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

633 E. Archwood #105

Number

Street

City

Eagle Point

State

Or

ZIP Code

97524-9481

Contact phone

510-860-1697

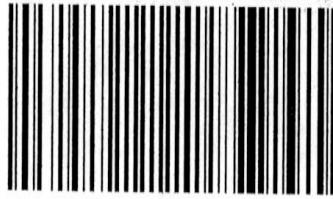
Email

DwightVaughn@yahoo

ccm

Vaughn Wright
633 E Archwood Dr
Eagle Point OR
97524

CERTIFIED MAIL



JAN 02 2020

7019 0700 0000 2909 9924

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POINT, OR
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JAN 03 2020

PRIME CLERK LLC

PG+E Corporation Claims processing Center
c/o Prime clerk LLC
grand central station P.O. BOX 4850
new york, New york 10163-4850

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